

system,” and each of pending claims is rejected under 35 U.S.C. § 103 as being unpatentable over *Odhams* (GB No. 2174578A) in view of *Karnowski* (U.S. Patent No. 5,768,364).

The above amendment to claim 2 should overcome the rejections under 35 U.S.C. § 112.

With respect to the prior art rejection of the claims, Applicant respectfully traverses and respectfully submits that a *prima facie* case of obviousness has not been established. Applicant respectfully submits that support for the rejection is lacking because: the asserted combination fails to define an apparatus that includes elements corresponding to all limitations of the claims; and the asserted combination lacks motivation and no basis for making the combination has been stated or otherwise provided in the Office Action.

For instance, the Office Action acknowledges that *Odhams* does not include a microprocessor that determines peak levels in both speech paths, and then relies on *Karnowski*'s half-duplex apparatus that involves monitoring and adjusting only one of the audio signals (TX or RX) at a time through a switch mechanism. The portions of *Karnowski* cited in the Office Action confirm that only one of the audio signals (TX or RX) is monitored and its attenuation adjusted. See Col. 7, lines 28-51. Thus, there is no reason to combine such aspects of *Karnowski*'s half-duplex apparatus with *Odhams* device and, even if it were made, the presently claimed invention would not be realized.

Further, the asserted combination fails to define an apparatus that includes elements corresponding to all limitations of each claim. For example, the invention as claimed refers to monitoring and adjusting the gain in both speech paths in a full duplex operation. See, *e.g.*, the last part of each independent claim and see also dependent

claims 26-34 and 37. Further, many of these dependent claims particularize certain substates of full-duplex operation and the control of voice channels therein, and the Office Action does not contend that teaching of such substates would be realized by the combination. To make the asserted combination merely permits for "attenuation in the active channel" (Odham at p.1, lines 10-14); the asserted combination does not permit for control over both channels, control for full-duplex operation, and control for full-duplex operation using the substates, all as characterized in the pending claims.

Accordingly, Applicant respectfully submits that the combination is not motivated, the combination does not support the rejection and there is no stated correspondence between many of the limitations of these claims and the asserted combination. If the Examiner believes that the Applicant is in error in this regard, Applicant would appreciate an opportunity to respond in a manner consistent with the intent of the statute.

In view of the amendment and discussion set forth above, the Applicant respectfully requests that the rejections be withdrawn. A favorable response is earnestly requested.

Respectfully submitted,

CRAWFORD PLLC
333 Washington Avenue North
Suite 5000
Minneapolis, MN 55401
612/349-2700

By: 

Robert J. Crawford
Reg. No. 32,122